

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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VLAD J. NOVOTNY and YEE-CHUNG FU  
Junior Party  
(Patent 6,914,710),

v.

OSAMU TSUBOI, SATOSHI UEDA, YOSHIHIRO MIZUNO,  
IPPEI SAWAKI and FUMIO YAMAGISHI  
Senior Party  
(Application 11/480,512).

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Patent Interference No. 105,660 (SCM)  
(Technology Center 2800)

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*Before SALLY GARDNER LANE, JAMESON LEE, and SALLY C. MEDLEY,  
Administrative Patent Judges.*

*MEDLEY, Administrative Patent Judge.*

Judgment- Request for Adverse-Bd.R 127(b)

- 1           A telephone conference call was held on 09 June 2010 at approximately 2:00  
2 p.m., involving:
- 3           1. Mr. Springer, counsel for Novotny,  
4           2. Mr. Jackson, counsel for Tsuboi, and

1                   3. Sally C. Medley, Administrative Patent Judge.

2                   This interference is in the priority phase. Counsel for Junior Party Novotny  
3 represented that he had been instructed by Novotny's real party in interest to take  
4 no further action in the interference, including not filing a motion for judgment  
5 based on priority. We construe Novotny's actions as a request for entry of adverse  
6 judgment. 37 C.F.R. § 41.127(b)(4). The request is granted.

7                   Accordingly, it is

8                   ORDERED that judgment as to the subject matter of Count 1 (Paper  
9 1 at 4) is entered against Novotny;

10                  FURTHER ORDERED that claims 1-7, 9-16 and 18-22,  
11 corresponding to Count 1, of Novotny's involved patent are CANCELLED,  
12 35 U.S.C. § 135(a);

13                  FURTHER ORDERED that the parties shall note the requirements  
14 of 35 U.S.C. § 135(c) and Bd. R. 205; and

15                  FURTHER ORDERED that a copy of this judgment be entered in  
16 the administrative records of the involved Novotny patent and Tsuboi application.

1 cc (via electronic filing):

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3 Counsel for Novotny:

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